

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

)
) 03 MDL No. 1570 (RCC)
) ECF Case

This document relates to:

C.A. No. 03-CV-9849 (RCC)

THOMAS E. BURNETT, SR., *et al.* v. AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*

**DECLARATION OF ALAN R. KABAT
IN SUPPORT OF DEFENDANTS' REPLY BRIEF IN
SUPPORT OF DEFENDANTS' MOTION TO STRIKE**

I am an attorney licensed to practice in the District of Columbia and am admitted *pro hac vice* in this matter. I am with the law firm of Bernabei & Katz PLLC, counsel to defendants Saudi Arabian Red Crescent Society (D211), Hamad Al-Husaini (D209), Salman Al-Oadah (D220), Safer Al-Hawali (D221), Saleh Al-Hussayen (D222), and Shahir A. Batterjee (D67). Pursuant to the Procedures for Electronic Case Filing, No. 7, "Retention Requirements" (S.D.N.Y.) (Mar. 6, 2003), and Local Civil Rule 5.4(b)(5) (D.D.C.) (as amended on April 14, 2003), I am responsible for maintaining the electronic and paper copies of the pleadings in this matter. I submit this declaration to transmit to the Court the following document submitted in support of the Reply Brief in Support of Defendants' Motion to Strike the *Burnett* Plaintiffs' Oppositions to Defendants' Motions to Dismiss and Plaintiffs' Sur-reply ("Corrected") Briefs and Affidavit (Oct. 7, 2004):

1. Exhibit 1 to the defendants' reply brief is a true scanned copy of the Electronic Case Filing notification issued by the U.S. District Court for the Southern District of New York,

for the Plaintiffs' Memorandum of Law in Opposition to Motions to Dismiss of Defendant Shahir A. Batterjee (June 30, 2004) (Docket No. 276). Exhibit 4, the last document listed on page 2, comprises 16 pages and is plaintiffs' altered version of their March 24, 2003 motion for service by publication.

I declare under the penalties of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on October 7, 2004.

A handwritten signature in black ink that reads "Alan R. Kabat". The signature is written in a cursive, flowing style.

ALAN R. KABAT

Alan Kabat

From: NYSD_ECF_Pool@nysd.uscourts.gov

Sent: Wednesday, June 30, 2004 10:54 PM

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Subject: Activity in Case 1:03-md-01570-RCC In Re: Terrorist Attacks on September 11, 2001
"Memorandum of Law in Opposition to Motion"

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U.S. District Court

Southern District of New York

Notice of Electronic Filing

The following transaction was received from Elsner, Michael entered on 6/30/2004 at 10:52 PM EDT and filed on 6/30/2004

Case Name: In Re: Terrorist Attacks on September 11, 2001

Case Number: 1:03-md-1570

Filer: Burnett Plaintiffs

Document Number: 276

Docket Text:

MEMORANDUM OF LAW in Opposition re: [86] MOTION to Dismiss for Lack of Jurisdiction *the Third Amended Complaint (Burnett). Plaintiffs' Memorandum of Law In Opposition to Motions to Dismiss of Defendant Shahir A. Batterjee*. Document filed by Burnett Plaintiffs. (Attachments: # (1) Affirmation of Andrea Bierstein In Opposition to Motion to Dismiss of Shahir Batterjee# (2) Exhibit 1# (3) Exhibit 2 - Part 1 of 3# (4) Exhibit 2 - Part 2 of 3# (5) Exhibit 2 - Part 3 of 3# (6) Exhibit 3# (7) Exhibit 4)(Elsner, Michael)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=6/30/2004] [FileNumber=482898-0]
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e49e8ff3c9c8b7c98386d82e9299f6f56ab028849e1657bd2815c596027f]]

Document description: Affirmation of Andrea Bierstein In Opposition to Motion to Dismiss of Shahir Batterjee

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=6/30/2004] [FileNumber=482898-1]
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Document description:Exhibit 1

Original filename:n/a

Electronic document Stamp:

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Document description:Exhibit 2 - Part 1 of 3

Original filename:n/a

Electronic document Stamp:

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Document description:Exhibit 2 - Part 2 of 3

Original filename:n/a

Electronic document Stamp:

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Document description:Exhibit 2 - Part 3 of 3

Original filename:n/a

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Document description:Exhibit 3

Original filename:n/a

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Document description:Exhibit 4

Original filename:n/a

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